THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.16273 of 2006

Date: 03.08.2006

Between:

Rajana Satyanaraya

... PETITIONER

AND

The District Collector, Visakhapatnam
& others.

... RESPONDENTS

THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.16273 of 2006

ORDER:-

This writ petition is filed for a Mandamus to declare the proceedings of the 1st respondent, dated 29.07.2006, issued in Rc.No.2265/2005-A2, as wholly illegal, untenable and contrary to the provisions of the A.P. Gram Panchayat Act, 1994 and consequently direct the respondent to provide the polling station at Rajannapalem village of Tanthadi Gram Panchayat of Atchutapuram Mandal, Visakhapatnam District for the Gram Panchayat elections scheduled to be held on 06.08.2006, and pass such other suitable orders.

The main grievance of the writ petitioner is that despite specific directions issued in WP.No.14919 of 2006, the same were not followed and again the 1st respondent had rejected the request of the petitioner for providing polling station at Rajannapalem. The relevant portion of the impugned order reads as under:

> "In due obedience to the above directions of the Hon'ble High Court of Andhra Pradesh, the matter has been examined, taking into consideration the guidelines of State Election Commission in providing polling station, the locally prevailing conditions for smooth conduct of poll as mentioned below and the resolution dated 02.05.2006 of the petitioner's Gram Panchayat for

reconsideration of the matter as directed by the Hon'ble High Court.

(i) that in selection of polling stations, the guidelines issued by the State Election Commission has been complied with.

(ii) That the distance betweenThanthadi and Rajannapalem is about 1 km and walkable distance and accessible.

(iii) To avoid harassment to the voters and conduct of peaceful poll. The convenience of bandobust arrangement has been taken care of.

(iv) To create conditions to the voters to cast their votes in a democratic way.

(v) That the petitioner did not avail the opportunity given by State Election Commission for filing objections.

(vi) That polling station for the recently held M.P.T.C. & Z.P.T.C. Elections were provided i n Thanthadi Village and poll went on peacefully with 68% of votes polled. It is therefore evident, that there is no inconvenience to the petitioner's villagers to go to Thanthadi to cast their votes for the ensuing Gram Panchayat Elections.

For the above reasons, the request of the petitioner for providing polling stations at Rajannapalem is carefully considered and hereby rejected.

The Mandal Parishad Development Officer Atchuthapuram is directed to proceed with the conduct of Elections to Thanthadi Gram Panchayat as per the finally approved list of polling stations."

This Court, in fact, passed an order in WP.No.14919 of 2006 in the light of the orders made in WP.No.14110 of 2006, dated 13.07.2006. On a careful reading of the impugned order, this Court is of the considered opinion that the 1st respondent had

not gone through the contents of the orders made by this Court. In view of the same, the request of the writ petitioner to be considered in the light of the observations made by this Court in WP.No.14919 of 2006.

In the light of the same, the impugned order is hereby set aside and the 1st respondent is hereby directed to reconsider the issue in the light of the order passed by this Court in WP.No.14919 of 2006 forthwith, in view of the fact that the elections are scheduled to be held on 06.08.2006.

With the above directions, the writ petition is disposed of. No order as to costs.

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P.S. NARAYANA, J

Date: 03.08.2006
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